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10/522,737

10/12/2005

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23373 7590 05/08/2009
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EXAMINER

KWON, BRIAN YONG S

ART UNIT

PAPER NUMBER

1614

MAIL DATE

DELIVERY MODE

05/08/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Supplemental
Notice of Allowability**

Application No.

10/522,737

Examiner

Brian-Yong S. Kwon

Applicant(s)

BIANCHI ET AL.

Art Unit

1614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 02/27/09 and Telephonic Interview on 04/03/09.
2. ☒ The allowed claim(s) is/are 1 and 4.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Brian-Yong S Kwon/
Primary Examiner, Art Unit 1614

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Supplemental Notice of Allowance

1. This Office Action supersedes the Notice of Allowance mailed 04/10/2009. In reviewing of the previous Notice of Allowance, the examiner recognizes that there was a typographical error in claim 4 which describes an acronym for "guanosine diphosphate" as to "GDOP". It should have been corrected as "GDP".

2. Claim 1 as amended by Examiner's amendment is allowable. Accordingly, the election of species requirement, as set forth in the Office action mailed on 04/21/08, has been reconsidered in view of the allowability of claims to the elected invention. **The election of species requirement is hereby withdrawn as to any claim that requires all the limitations of an allowable claim.** Accordingly, claims 3-5, directed to non-elected species, are no longer withdrawn from consideration because the claim(s) requires all the limitations of an allowable claim.

3. Receipt is acknowledged of Sequence Listing filed on 03/19/2009. It has been placed in the application file (available in the SCORE database).

4. Receipt is acknowledged of papers, ITALY TO2002A000684, submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Supplemental Examiner's Amendment

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

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1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Susan J. Mack on April 03, 2009.

The application has been amended as follows:

In the Claims:

In claim 1, lines 7-10, delete [optionally substituted linear and angular coumarins, optionally substituted heteroanalogues of angelicin, thiopyrano-benzofurans, acylangelicins, alkylangelicins, alkoxycarbamoylangelicins, and optionally substituted psoralens and isopsoralens] and replace with --an acylangelicin, an alkylangelicin, an alkoxycarbamoylangelicin and bergapten--.

In claim 4, lines 3, add --, wherein the further modifier of the transcription process is selected from the group consisting of cytosine arabinoside, retinoic acid, plicamycin, mithramycin, hydroxyurea, guanine, guanosine triphosphate (GTP), guanosine diphosphate (GDP) and guanosine monophosphate (GMP)-- after "process".

Claims 3 and 5 are cancelled.

Reasons for Allowance

6. The following is an examiner's statement of reasons for allowance: The prior art reference(s) alone or in combination (Nagai et al. and Naeff et al.) in which the rejection of

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record is relied upon fail(s) to teach or suggest the use of angelicin, acylangelicin, alkylangelicin, alkoxycarbamoylangelicin and bergapten for the treatment of beta-thalassemia.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Claims 1 and 4 are allowed.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (571) 272-0581. The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel, can be reached on (571) 272-0718. The fax number for this Group is (571) 273-8300.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications may be obtained from Private PAIR only. For more information about PAIR system,

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see <http://pair-direct.uspto.gov> Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Brian-Yong S Kwon/
Primary Examiner, Art Unit 1614